UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/105
20 November 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Items 9 and 21 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes

Note by the Secretariat

The High Commissioner for Human Rights has the honour to transmit herewith to the members of the Commission on Human Rights the report of an expert group meeting on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes, which was organized by the Centre for Human Rights and the United Nations Development Fund for Women, in Geneva, from 3 to 7 July 1995, pursuant to part I, paragraph 18 and part II, paragraphs 37 and 42 of the Vienna Declaration and Programme of Action.

GE.95-14487 (E)

Annex

REPORT OF THE EXPERT GROUP MEETING ON THE DEVELOPMENT OF GUIDELINES FOR THE INTEGRATION OF GENDER PERSPECTIVES INTO UNITED NATIONS HUMAN RIGHTS ACTIVITIES AND PROGRAMMES

(Geneva, 3-7 July 1995)

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Introduction

1. The United Nations Centre for Human Rights and the United Nations Development Fund for Women (UNIFEM) organized an expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes from 3 to 7 July 1995 at the United Nations Office at Geneva. The purpose of the meeting was to assist the Centre for Human Rights, the United Nations human rights bodies and mechanisms and other concerned human rights entities in developing an approach and methodology for drafting gender-sensitive guidelines and relevant material for the integration of the human rights of women into United Nations activities and programmes. The meeting brought together a wide range of leading experts in the field of women's human rights from human rights treaty bodies, academia, United Nations organs and bodies, specialized agencies and non-governmental organizations. Valuable input was also provided by a large number of observers representing a variety of backgrounds and contributing a range of experiences.

2. The present report is the result of this expert meeting. It is being submitted, through the United Nations High Commissioner for Human Rights, to the relevant United Nations human rights bodies for consideration and action. The goal of this process is to contribute to the ability of all parts of the human rights system to develop concrete guidelines and applicable principles for the incorporation of gender perspectives in their work. The report outlines principles for applying a gender perspective to human rights theory and practice, issues to be considered by the various human rights mechanisms and bodies in carrying out their activities, and some recommendations for follow-up action to assist each of them in developing gender-sensitive methodologies specific to their area and in modifying, as appropriate, existing guidelines and methods of work.

3. The body of the report is divided into two parts. Part One provides a theoretical and conceptual framework for the development of a gender perspective. This framework is elaborated in two stages. The various directives which have been issued in recent years concerning the need to ensure that the concerns of women are fully integrated into the international human rights system are summarized, and tentative steps which have been taken in this direction are briefly described. This is followed by an overview of the concept of "gender perspectives" in relation to human rights. In the second stage, the essential elements of developing a gender-sensitive approach to the human rights work of the United Nations are identified and explored. These essential elements include (i) means for determining State accountability and responsibility; (ii) ways in which both violations that affect women disproportionately or take specific forms based on gender, as well as patterns of violations of women's rights, can be recognized; and (iii) appropriate methods of work for undertaking collection of information, investigation of violations and developing meaningful responses.

4. Part Two of the report attempts to apply the framework developed in Part One in two different areas. While the areas covered in this part are not exhaustive, it is hoped that the process of application in certain key areas will provide guidance, helpful analysis and useful background on the importance of this work to those charged with developing strategies for

incorporating the gender dimension into every area of the human rights work of the United Nations human rights work. The first "subject" for application of the framework in this part is the human rights treaty bodies: those committees which have been established under the major international human rights instruments to monitor and supervise the effective implementation of the treaties. Working methods and procedures, the reporting process and development and application of standards and obligations are all considered and specific recommendations are made in that regard. The second group to which this framework is applied are those "other" mechanisms and programmes which play a central role in the international human rights system. These "others" are considered with reference to their functional objectives: (i) research and studies; (ii) investigations; and (iii) prevention of human rights violations. Proposals are also made in this part for improving coordination system-wide, as well as among relevant initiatives within the Centre for Human Rights itself.

PART ONE

A CONCEPTUAL FRAMEWORK

I. INTRODUCTION AND OVERVIEW

5. The Charter of the United Nations declares one of the Purposes of the Organization to be "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". In the 50 years since the elaboration of the Charter, a complex system for the protection and promotion of human rights has been developed under United Nations auspices.

6. Increasingly, however, the international community has recognized the historic neglect of violations of women's human rights by the international bodies charged with their promotion and protection. Responding in part to demands from activists worldwide, a number of high-level bodies and world conferences have recently adopted agreements committing international institutions and Governments to take steps to ensure that women's human rights are integrated throughout the United Nations system.

7. Marginalization of the human rights of women at the international level reflects the subordinate position which women occupy in every country, every society and every community. Improvement at all levels will require a change in attitudes and behaviour - of women as well as men. The meeting of experts is a first step in what must ultimately become a continuous process of evaluation and reform. The goal of this process is to ensure a human rights system which, as stated in the Charter, works to protect the rights of all persons, without distinction. The effective implementation of the recommendations contained in this report will require commitment and concerted action. Key players include United Nations officials, members of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the various treaty bodies, as well as special rapporteurs, special representatives and working groups. The encouragement, support and active participation of Governments and non-governmental organizations in this process is vital.

8. The present report raises as many questions as it answers, and many of the proposals detailed below must be incorporated in a medium- or long-term strategy. However, a number of concrete actions aimed at elaborating and executing such a strategy can and should be undertaken as soon as possible. Accordingly, the drafters of this report have developed specific recommendations for immediate action by the United Nations, the implementation of which will go a long way towards laying the foundation for a more relevant and comprehensive human rights system.

A. Mandate for the incorporation of the human rights of women in the United Nations system

9. In June 1993, the World Conference on Human Rights was held at Vienna. In adopting the Vienna Declaration and Programme of Action (A/CONF.157/23), the international community resolved that:

(a) "The human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights" (part I, para. 18);

(b) "The equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity. These issues should be regularly and systematically addressed throughout relevant United Nations bodies and mechanisms" (part II, para. 37);

(c) "Treaty monitoring bodies should include the status of women and the human rights of women in their deliberations and findings, making use of gender-specific data. States should be encouraged to supply information on the situation of women de jure and de facto in their reports ... Steps should also be taken by [the Secretariat] to ensure that the human rights activities of the United Nations regularly address violations of women's human rights, including gender-specific abuses" (part II, para. 42).

10. The directives contained in the Vienna Declaration and Programme of Action have their basis in the Charter of the United Nations itself, which explicitly affirms the equal rights of men and women as one of the Organization's goals and includes sex among the prohibited grounds for discrimination. The Charter thus confers upon women the right to the full realization of their human rights. The Charter also imposes a legal obligation upon States Members of the United Nations to strive for the elimination of all forms of discrimination against women.

11. The need to incorporate the gender dimension into the United Nations human rights system has also been recognized by key bodies within the United Nations system itself, most importantly by the Commission on Human Rights through a number of resolutions, including 1993/46, 1994/45 and 1995/86. Recent developments which mark a greater recognition of the particular human rights violations to which women are subjected include the appointment by the Commission of a Special Rapporteur on violence against women. Also noteworthy is the adoption by the General Assembly of the Declaration on the Elimination of Violence against Women which underscores the importance of State accountability for private violations of women's human rights.

12. While such efforts are to be lauded and encouraged, the fact remains that abuse of women's human rights continues unabated throughout the world. Great efforts must be made at all levels if the pledges to integrate the human rights of women into the United Nations system-wide activities (including its development agendas and its peace-making and peace-keeping programmes), are to be transformed into reality for women around the world.

B. An overview of gender perspectives

13. The term "gender" refers to the ways in which roles, attitudes, values and relationships regarding women and men are constructed by all societies all over the world. Therefore, while the sex of a person is determined by nature, the gender of that person is socially constructed. Historically, different

cultures construct gender in different ways so that women's roles, the value that their society places on those roles, and the relationship with men's roles may vary considerably over time and from one setting to another.

14. However, almost invariably gender constructs function in a way that subordinates and discriminates against women to the detriment of their full enjoyment of all human rights. This discrimination is not only reflected in individual relationships but also permeates all institutions. Thus, the issue of gender bias is a political and an institutional matter. While it is necessary to acknowledge that social construction of the roles, attitudes and relationships of women and men will always exist, the challenge must be to ensure that this construction is fair to both sexes and that neither sex dominates the other.

15. The concept of "gender-sensitive perspectives", or "gender perspectives" as they are more commonly called, is based on an understanding that in all situations some perspective of interpreting reality is present. Historically, that perspective has most often been biased towards the male view. Accordingly, most perspectives on reality have not taken women's views and experiences into account, rendering the everyday violations of women's human rights invisible.

16. Women, like men, can suffer from violations of their human rights in many different ways. These violations are almost always mediated through gender - often in conjunction with factors of race, culture, class, sexual orientation or some other group characteristic. Because of these other factors, violations that women suffer may appear indistinguishable from those suffered by men of the same social group. Nevertheless, the form that a human rights violation takes, whether suffered by men or women, is usually shaped by gender.

17. Gender perspectives, then, are those which bring to conscious awareness how the roles, attitudes and relationships of women and men function to the detriment of women, and suggest different ways of constructing them that are not based on inequality, domination and exploitation of women. The development of such perspectives is a continual process, one which will evolve as insights are gained in all societies on how women, throughout their life cycles, are socialized in ways that subordinate them.

18. The development of gender perspectives in the human rights context facilitates understanding of how the exercise and enjoyment of human rights is adversely influenced by social constructions of the female and male roles. The focus of this report is on women's human rights because these have been invisible and therefore most neglected. However, it is evident that development and utilization of gender-sensitive perspectives will necessarily improve understanding, and therefore the promotion and protection, of the human rights of men as well as of women.

19. The concepts of equality and discrimination lie at the heart of all gender-sensitive perspectives. The challenge to equality is fundamental to the very notion of human rights, which postulates that all human beings have human rights inherent to their condition as human beings. However, equality means much more than treating all persons in the same way. There are some

aspects of life that are common to women and men, and clearly women should be accorded equal opportunity in those areas. In many ways, however, women and men lead different lives, and the human situation is not usually gender neutral. A relevant human rights regime must, therefore, not only guarantee equality with men in those areas that are common to the sexes, but must also promote social justice in all areas of private and civil life. An enumeration of human rights which reflects the realities of women's situation must include, for example, autonomy within the family, reproductive rights and conditions suitable for healthy reproduction, and sufficient economic resources to sustain women and their families.

20. A particularly acute example of the need for a gender perspective on human rights is gender-based violence against women. The current interpretation of human rights instruments reflects male experience in a world dominated by men and largely ignores that most women around the world live on a daily basis with violence or the threat of it. For example, the interpretation of the right to be free from torture has failed to encompass violence in the family, nor does it usually include sexual assault. Further, human rights practice has failed to address adequately the growing incidence of seemingly random, but very often systematic, acts of violence directed at women in situations of economic, civil or political turmoil, or during international and internal conflicts.

21. The objective of developing and integrating gender-sensitive perspectives throughout the human rights system is to facilitate the more effective promotion and protection of the human rights of women by:

(a) Formulating an accurate analysis of the barriers to women's ability to exercise and enjoy all human rights;

(b) Elaborating gender-sensitive standards for applications of human rights standards;

(c) Recommending effective remedies that address the specific forms of violations of women's human rights, including investigation, prosecution, sanctions and compensation; and

(d) Developing preventive strategies including those that contribute to correcting the underlying conditions that give rise to violations of women's human rights.

22. Without such gender perspectives, it is impossible to eliminate all but the most obvious of the multiple ways in which women experience discrimination on the basis of sex. The United Nations Secretariat, members of working groups and treaty-monitoring bodies, special rapporteurs and representatives, and other concerned human rights entities are therefore obliged to incorporate a gender-sensitive perspective in all of their activities and methods of work so as to comply with the numerous resolutions, recommendations and conventions which prohibit discrimination on the basis of sex.

II. ESSENTIAL ELEMENTS IN THE DEVELOPMENT OF A GENDER-SENSITIVE APPROACH IN THE UNITED NATIONS HUMAN RIGHTS ACTIVITIES

A. Collecting and analysing information

23. The way in which information is collected and analysed is critical to the development and application of a gender perspective. Appropriate procedures in this regard will assist the users of information to recognize patterns in violations of the human rights of women and to recognize the gender dimensions of all human rights violations.

24. In identifying the barriers to collecting accurate information on women's human rights violations, one of the first matters to be examined is whether the "categories of facts" used in information collection and analysis are relevant to determining the real situation of women. In other words, it is necessary to ascertain whether the right questions are being asked and whether the right information is being received. Throughout the United Nations system, significant progress has been made in the ways in which statistical information (often gender disaggregated) is collected and analysed. 1/ The existence of such resources now permits an empirical analysis of national situations with regard to many of the central specific rights. It is essential that the various parts of the United Nations human rights system be made aware of the existence of these resources and instructed in their use.

25. The value of gender-disaggregated data cannot be over-estimated, and steps should be taken to ensure that data collection and reporting processes in the field of human rights routinely conform to this standard. Gender-disaggregated data cannot, however, be considered an achievement in itself. The utility of this information will ultimately depend upon adequate gender-based analysis of the rights being monitored. An adequate analysis will go beyond a study of constitutions, laws and structures to examine actual practice and policies. It is only through such a broadly conceived examination that the various economic, social and cultural practices which so often prevent women from fully enjoying the rights to which they are entitled can be isolated.

Obstacles to collection of information

26. It must be recognized that there are a number of specific obstacles to effectively obtaining the information about women's lives which will lead to accurate identification and documentation of violations of their human rights. For example:

(a) Depending on the nature of the violation, there may be community pressure on the woman to deny the existence of a violation altogether, or to refrain from reporting it. Community pressures may be reinforced or compounded by government sanctions or a failure to provide the complainant with protection.

(b) Community spokespeople are often men, and while women may be included in "delegations", they may not be vocal, or may adhere to an agenda which does not include violations of women's human rights.

(c) Official records of all violations of women's human rights may not exist. Women may be deterred from reporting a violation for a range of reasons, from process and procedures to the response of the State authorities in failing to acknowledge it. This will necessitate seeking out alternate sources of information and the incorporation of a gender perspective in formulating an analysis of the human rights violations in a given context.

(d) Access to women may be limited by language barriers, by the inability of women in some areas to travel freely, or by the lack of accessible information regarding the opportunity to make representations.

Alternative sources of information, expertise and materials

27. It is only through the development of creative means of information collection and analysis that a more comprehensive range of violations will be identified. Locating broader sources of information, expertise and materials is an important first step. Such sources are likely to include the following groups:

(a) Local and national non-governmental organizations (NGOs), organizations concerned with the rights of minorities, in particular lesbian groups, indigenous groups, human rights groups, etc.;

(b) National government offices for women's issues;

(c) Official and professional women, including women lawyers, judges, police, security and prison officers;

(d) Local and national religious groups.

28. When dealing with these groups, it is important to take account of any restrictions or limitations which they may be facing when providing gender-specific material and documenting human rights violations against women. Where possible, assistance should be given at the national level to enable such groups to include human rights violations against women in their mandates and to increase their capacity to develop a gender perspective on their work.

On-site visits

29. The obstacles referred to above are especially relevant during the preparation and conducting of on-site visits for purposes of research or investigating violations. The preparation phase is especially important as it is during this time that ways of obtaining information and access to women will be identified. Prior to a visit, it is necessary to devote sufficient time to the following:

(a) Understanding traditions and practices;

(b) Developing a wide range of contacts and potential sources of information and advice (see above);

(c) Developing a relationship based on mutual trust with women's groups which may, as a result of their work, be under threat from the State and/or the community;

(d) Organizing/participating in gender-sensitive training of all members of the delegation and support staff.

30. In terms of the visit itself, the following matters should be considered:

(a) Conducting gender-sensitive training of all (preferably female) interpreters used during the visit (recognizing that in certain circumstances these interpreters will be accompanied by their male relatives);

(b) Organizing travel by the delegation to rural areas to meet with women's groups;

(c) Allowing for visits to detention centres where women are held in custody;

(d) Conducting adequate interviews, which will involve consideration of a number of different factors including the method of work; participants (information on certain violations will not be obtained in the presence of men or may only be possible to raise in the presence of a male relative with his agreement); frequency (additional contact may be required to establish the necessary trust relationship); as well as anonymity (protection of the interviewee).

B. Developing effective responses

31. In all cases where United Nations bodies are empowered to respond on an urgent basis to allegations of violations, 2/ attention must be paid to the gender-specific aspect of the violation in order to formulate adequate responses. An adequate response to an allegation of unlawful detention of a woman would, for example, aim at preventing the risk of rape or sexual assault.

32. In relation to reporting:

(a) All human rights bodies with a reporting function must ensure that gender-specific aspects of violations, as well as violations of the human rights of women, are fully reflected throughout all sections of their public reports. Additionally, references to violations against women should not be either isolated in one section of the report or referred to only in conjunction with the subject of children.

(b) In order to provide an action-oriented basis for concrete recommendations, these reports must employ a comprehensive gender analysis with regard to the application of the standards within the mandate.

33. In relation to recommendations and follow-up/evaluation:

(a) In formulating recommendations to revise laws, policies and practices, the gender-specific aspects of violations (particularly those directed at women) should be addressed. Where appropriate, recommendations should refer to the obligations incumbent upon States to ensure that human rights organizations and other women's groups are able to act and associate with freedom and autonomy.

(b) It is essential that procedures be developed for following up on all recommended actions. This is especially important in relation to recommendations calling for a revision of non-conforming laws and practices. Such follow-up is essential in order to prevent continuing abuses or further breaches of obligations to protect and promote the human rights of women.

34. In relation to coordination and information exchange:

(a) Viable structures of information exchange between the various human rights mechanisms should be developed. It is recognized that the development of information-exchange procedures should begin at the level of the Secretariat (between the various branches of the Centre for Human Rights and between the Centre and the secretariat of the Committee on the Elimination of Discrimination against Women (CEDAW). Individuals and mechanisms working in similar areas (for example, the Special Rapporteur on violence against women and the Committee against Torture/Special Rapporteur on the question of torture) should be encouraged to communicate, cooperate and facilitate each other's work.

(b) The Centre for Human Rights should take steps to ensure that external agencies and organizations are kept informed of work that is being undertaken in relation to promoting and protecting the human rights of women. Relevant information would include dates and places of on-site visits (where appropriate), treaty reporting schedules, publications, details of current studies, etc.

(c) All contacts between the various human rights mechanisms and Governments should be utilized as an opportunity to engage in education and information exchange. The dialogue between treaty bodies and reporting Governments is a particularly appropriate context for education regarding the scope and nature of State obligations under international customary and treaty law vis-à-vis the human rights of women.

C. The language of human rights

35. The language used in human rights instruments and practices should be gender inclusive. Language both defines and perpetuates reality. At present, the continuing use of male-defined language, (both within and outside the United Nations) which is andro-centric, stereotypical, discriminatory and exclusionary, maintains the current imbalance in power relations and contributes to a situation in which women are unable to exercise and enjoy their human rights. It has the further effect of obscuring women, their experiences and their social value. Thus, the violation of the human rights of women are also hidden and insensitivity towards them is perpetrated.

PART TWO

APPLYING THE FRAMEWORK

36. As recognized in the introduction to this report, securing the human rights of women requires a comprehensive integration of gender perspectives into all parts of the United Nations. At the same time, however, it is necessary to identify and act upon priorities. This report will focus on certain key aspects of the human rights system. The following part, therefore, addresses the human rights treaty bodies, the special procedures for studying and investigating violations, programmes for preventing violations of human rights, and the issue of coordination and collaboration both within and outside the United Nations.

37. The issues raised in this part are in no way exhaustive. Nor are all relevant mechanisms and procedures addressed. It is hoped, however, that the observations made in respect of the various parts of the system will be used as a starting point from which a more detailed analysis can be made.

III. SPECIFIC APPLICATIONS FOR HUMAN RIGHTS TREATY BODIES

38. The treaty-based bodies of the United Nations human rights system can have a powerful role in the promotion and protection of the human rights of women. However, with the exception of the Committee on the Elimination of Discrimination against Women - and to some extent the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights - the human rights treaty bodies have paid little attention in the past to the gender implications of their work. While the Chairpersons of the human rights treaty bodies did, at their 1994 meeting, agree to amend their guidelines to require that States parties report on the status of women with respect to the rights articulated in each treaty, as of July 1995 only the Human Rights Committee had made such an amendment, and much work remains to be done.

39. The following comments are intended to assist the treaty bodies in developing more comprehensive guidelines for the integration of gender perspectives into their work. The comments are divided into three parts, the first part dealing with the working methods and procedures of the Committees; the second with the reporting process itself; and the third with the development and application of minimum obligations and standards.

A. Working methods and procedures

40. It is recommended that:

(a) Treaty bodies should more fully integrate gender perspectives into their working methods. This includes their reporting guidelines, general comments and general recommendations.

(b) Treaty bodies should coordinate their efforts towards developing and integrating gender perspectives, especially in areas of common concern, such as those articles of the different treaties that relate to family life. The Secretariat should facilitate effective information exchange on these

matters between the treaty bodies. This is especially important for the Committee on the Elimination of Discrimination against Women because of its geographical separation from the Geneva-based bodies.

(c) The Chairpersons of the treaty bodies should reaffirm the recommendation, adopted at their 1994 meeting, that governmental organizations, intergovernmental organizations, specialized agencies and United Nations offices be encouraged to supply human rights treaty bodies and other mechanisms with data on the situation of women, particularly gender-disaggregated statistical data.

(d) In undertaking investigative procedures, every effort should be made to ensure that information specifically pertaining to the human rights of women is obtained.

(e) The reports of treaty bodies should include specific reference to the gender factors which were considered in the review of States parties' reports and in other work performed during the session. All documents pertaining to the treaty bodies' work should use gender-neutral language wherever possible.

(f) Efforts should be made to address the issue of responsibility for violations of the human rights of women committed by non-State actors (including individuals, corporations and insurgent groups). Treaty bodies should be encouraged to share information on the evolving jurisprudence in this area.

B. The reporting process

41. In considering the reports of States parties, the treaty bodies should take into consideration the following:

(a) Preparation for the consideration of reports of States parties should include collection and gender analysis of data from United Nations agencies and non-governmental organizations;

(b) All working groups (including pre-sessional working groups) should consider, as a priority, the gender implications of each issue and question under review.

42. The treaty bodies' review of States parties' reports should integrate gender factors, referring consistently to the implications as to each article.

43. Concerning the concluding observations:

(a) In drafting their concluding observations, the treaty bodies should, on a routine basis, include a gender-based evaluation of responses to relevant questions.

(b) In considering the principal areas of concern and the factors and difficulties impeding the implementation of each treaty in a given State, particular consideration should be given to whether the lack of gender perspective has an additional negative impact on women's ability to exercise and enjoy their human rights.

(c) In formulating recommendations arising from the concluding observations, the treaty bodies should indicate the importance of gender perspectives and the extent to which any failure to address this concern constitutes non-compliance with States parties' obligations under the respective treaties.

44. Concerning follow-up action, it is recommended that reporting States provide updates on progress achieved on principal areas of concern relating to gender.

C. Development and application of minimum standards

45. Each treaty body should review the articles of its treaty and any comments and general recommendations made under the various articles to ensure that a gender perspective is integrated into respective minimum obligations and standards. For example, the Human Rights Committee could review its General Comment on article 3 of the International Covenant on Civil and Political Rights to ensure that gender perspectives are fully integrated into the non-discrimination standard and that this revised standard is then applied to the non-discrimination aspects of other articles.

46. The integration of gender factors is especially important in relation to fundamental (or "inherent") rights, such as the right to life and the right to freedom from torture. Continuing with the example of the Human Rights Committee, it is instructive to note that the Committee itself has observed that the right to life has too often been narrowly interpreted. In its General Comment, the Committee explained that the treaty obligation as to this right imposes on States parties requirements to adopt positive measures, including steps to reduce infant mortality and to increase life expectancy. However, no mention is made in this General Comment of the particular obstacles women face in the enjoyment of this right. Obstacles such as gender-based violence and harmful traditional practices are endemic and present numerous risks to a woman's life. No mention is made of gender-based violence (widely acknowledged to be the greatest risk factor in a woman's life) or of harmful traditional practices, including genital mutilation, dowry death and the preference for male children, all of which have a dramatic impact on women's life expectancy.

47. The object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women is to eliminate all forms of discrimination against women, which includes the elimination of prejudices and customary practices that are based on stereotypical attitudes regarding the respective roles of women and men.

48. Where a law or policy provides for differential treatment of women and men, any rationale offered in justification should be closely scrutinized to determine whether it is based on underlying discriminatory assumptions concerning the roles of women and men. For example, the proffered justification for laws providing for a lower legal age of marriage for women than for men usually is the presumed earlier biological maturation of females. A closer analysis of the situation, however, is likely to reveal that such laws are actually based on an assumption that women's primary role is to bear children, for which completion of education is unnecessary.

49. Where laws and policies that are apparently non-discriminatory result in discriminatory effects, it is necessary to examine underlying social, cultural and economic factors. For example, whereas equality in access to education is generally guaranteed by law, school enrolments are often lower for girls than for boys of the same age. It is also common that the differential between male and female enrolment increases by educational level. In such situations, questions must be asked concerning social, cultural and economic assumptions and behaviours that keep girls out of school or discourage them from continuing their education.

50. It is also necessary to examine whether seemingly non-discriminatory laws and policies are, in fact, being enforced or implemented in a discriminatory manner. To continue the education example, laws providing for universal compulsory school attendance may be enforced selectively to ensure that boys but not girls obtain an education, or curricula offered to girls may be less comprehensive than those offered to boys or curricula may reinforce gender stereotypes.

D. Determining State accountability and responsibility for violations of the human rights of women

51. Within the present structure of international law, the matters of State responsibility and accountability are crucial to determining the existence of a human rights violation and the remedies for such violation. It should be acknowledged at the outset that this structure, focusing as it does on the "public" sphere of State activity, does little to address the concerns of the vast majority of women. It is necessary to examine the concepts of State responsibility and accountability to determine how they can best be utilized to protect the human rights of women.

52. Egregious and pervasive violations of women's rights often go unrecognized. Moreover, when they are recognized, they go unpunished and unremedied, and are all too often defended as a necessary part of a culture or religion or as a quality of human nature. While violations of women's rights vary in different cultures, victims all share a common risk factor: that of being female.

53. States are seldom held responsible for ignoring their international obligations to respect women's human rights, but may more often be called to account for the status of women in their territory. A survey of international human rights jurisprudence, however, shows that international and regional human rights conventions have been applied only sparingly to address violations of women's rights.

54. Modern developments in international human rights law have widened the network of international obligations through State adherence to multilateral human rights conventions, and have thereby enhanced prospects of enforcing State responsibility. While the State may not be responsible for private acts, it may be responsible for its own lack of diligence in preventing, controlling, correcting or disciplining such private acts through its own executive, legislative or judicial organs.

55. The elements to be included in determining accountability are:

(a) National and international legal framework;

(b) Identifying the application and implementation of the legal framework;

(c) Identifying the perpetrator(s) and/or root causes of the violation(s);

(d) Examining the relationship between violation(s) and State responsibility;

(e) Determining appropriate gender-sensitive remedies and recommendations and ensuring that they are implemented by gender-specific reporting on the follow-up and/or evaluation.

IV. OTHER HUMAN RIGHTS MECHANISMS, PROCEDURES AND PROGRAMMES

56. This part is divided into five sections, each dealing with a key target group or programme sector. As with the preceding part on the treaty bodies, the comments made below are not exhaustive. Instead, they are intended to be used as a guide or starting point for a more detailed analysis of ways in which the human rights system of the United Nations can be made more reflective and relevant for women.

57. The first section concerns mechanisms (working groups and special rapporteurs) established by the Commission on Human Rights and the Sub-Commission to study certain aspects of human rights. The second section refers to those special rapporteurs, working groups and independent experts which are given an investigatory function. The third section addresses the prevention of human rights violations - particularly in the context of the advisory services and technical cooperation and information programmes of the Centre for Human Rights. The fourth section discusses the role of the focal point for women in coordinating the Centre's approach in this area. The role of the High Commissioner for Human Rights in ensuring system-wide coordination and collaboration is presented in the fifth section.

A. Research and studies

58. The research and studies function of the United Nations in the field of human rights (as carried out through mechanisms established by the Commission on Human Rights and its Sub-Commission) plays an important role in the identification of new fields and new perspectives. Such work is instrumental in setting the future agenda of the international community in terms of human rights issues and concerns. The way in which human rights issues are characterized at this stage will affect the attitude of the international community towards addressing problems and issues which arise as well as formulating appropriate solutions. The inclusion of a gender perspective at this early stage is therefore crucial.

59. It is therefore recommended:

(a) That any mandate of any mechanism (rapporteur, working group, etc.) entrusted with a "research" or "study" function include specific reference to the incorporation of a gender perspective. Such reference should also refer to the need to ensure that recommendations arising from the study address human rights issues of specific concern to women within the context of the mandate;

(b) That the central support function provided by Professional staff of the Centre should be recognized and that the officers entrusted with the task of servicing these mechanisms be trained in the application of a gender perspective. Servicing officers should then be responsible for providing the necessary information and background to special rapporteurs and members of working groups to enable them to discharge such responsibilities effectively;

(c) That Governments and other responsible individuals and bodies ensure equitable gender composition of relevant mechanisms (including special rapporteurs and working groups, as well as within both the Commission and the Sub-Commission);

(d) That the Sub-Commission undertake a study of the question of State responsibility and State accountability in the field of violations of the human rights of women;

(e) That appropriate gender-sensitive remedies and recommendations be determined and that it be ensured that they are implemented by gender-specific reporting on the follow-up and/or evaluation.

B. Investigations

60. The various procedures through which human rights violations are investigated (those special rapporteurs and working groups appointed by the Commission on Human Rights and entrusted with an investigatory function) comprise a fundamental part of the United Nations human rights system. Reports which emerge from such investigations are crucial in shaping public perception of human rights reality as well as the policy of the international community vis-à-vis certain situations and types of violations. For these reasons it is essential that a gender perspective become an integral part of the investigatory process.

61. It is therefore recommended:

(a) That the mandate of any mechanism (rapporteur, working group, etc.) entrusted with an "investigatory" function include specific reference to the incorporation of a gender perspective. Investigators should be mandated to obtain the information required for them to include such a perspective. Such reference should also refer to the need to ensure that recommendations arising from the investigation address human rights issues of specific concern to women within the context of the mandate;

(b) That an acknowledgement be made of the fact that adequate investigations of and recommendations concerning violations affecting women require special skills and preparation. The identification of sources, the collection of information and the questioning of witnesses are only a few examples of areas in which special investigatory procedures may need to be developed. With regard to the collection of information, the resources available within United Nations agencies should be fully exploited;

(c) That, in recognition of the central support function provided by Professional staff of the Centre, officers entrusted with the task of servicing special rapporteurs, independent experts and working groups with an investigatory function be trained in the application of a gender perspective. Servicing officers should then be responsible for providing the necessary information and background to special rapporteurs and members of working groups to enable them to discharge such responsibilities effectively;

(d) That all United Nations bodies and specialized agencies be informed, in advance, of all investigatory missions in order to ensure that such missions are provided with all relevant information with regard to the human rights of women, as well as to ensure coordination in the follow-up of any recommendations made.

C. Prevention of human rights violations

62. The programme of advisory services and technical cooperation of the Centre for Human Rights is an important tool for the development and strengthening of a culture of human rights at the national level. The drafters of this report have been made aware of recent efforts to incorporate a gender perspective into this programme.

63. The following suggestions are intended to support and reinforce these efforts:

(a) It is recommended that the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights develop its own internal guidelines, bearing in mind the work of other relevant United Nations agencies, for incorporating a comprehensive gender perspective in its work. These guidelines should be integrated into all aspects of project development, from the drafting of an initial country report, to the conducting of a needs assessment mission to the development, implementation and evaluation of specific activities. In developing such guidelines, note should be taken of work already done in this area, particularly by ILO 3/ and UNHCR. 4/

(b) A useful example is the fielding of a needs assessment mission, an activity which generally follows the receipt of a request for technical assistance from a Government. A gender perspective can be incorporated in a number of different ways at this stage. The terms of reference for the mission and the selection of experts to conduct that mission are two obvious areas. Selected experts should be fully briefed on the information which must be elicited to fulfil their terms of reference. In their preparations for such a mission, officers of the branch should be aware of the importance of obtaining background information from sources within the country and of establishing contacts with women's groups. The final report which emerges from such a mission should clearly identify the principal human rights issues facing women in the target country and should contain specific proposals on ways in which technical cooperation can assist in the realization of the human rights of women. This report should also be submitted to other relevant agencies.

(c) The current work of the programme in training in the administration of justice could also benefit from the development and application of guidelines for incorporation of a gender perspective. These guidelines could cover, inter alia, the obtaining of background information, the recruitment and preparation of experts, selection of participants, development of programmes, training techniques and evaluation.

(d) It is recommended that professional officers of the branch receive training in the application of these guidelines. Training should also be given in evaluating activities from a gender-perspective and in transforming the result of such evaluations into improvements in the guidelines themselves.

(e) It is recognized that the elaboration of gender guidelines is only the first step in the process of making the technical cooperation programme relevant to women. Another important measure should aim to redress the current unbalanced emphasis in the programme on civil and political rights.

The programme should reflect the indivisibility, interconnectedness and interrelatedness of economic, social and cultural rights and civil and political rights. This is of special relevance in the case of women; the current focus of the programme on civil and political rights contributes to the marginalization of women's concerns.

(f) A gender-based analysis should be undertaken by the information programme of the Centre for Human Rights. This analysis should seek to determine the extent to which the human rights of women are reflected in specific publications, particularly in the widely circulated Fact Sheet series. An evaluation should also be undertaken of the "technical" publications of the Centre - the various training manuals and handbooks which support activities undertaken in the context of the programme. Weaknesses in existing publications should be identified for correction in subsequent editions. Guidelines on the inclusion of a gender perspective in information and training materials should be elaborated for use by drafters of future publications. Gaps in the publications programme of the Centre which adversely affect women should be identified and filled.

(g) Other United Nations activities aimed at preventing human rights violations and raising awareness of human rights should also benefit from the development and application of a gender perspective. One example is the practice of the General Assembly of declaring "years" and "decades". The plans of activity for commemorating such years and decades provide an excellent opportunity for ensuring that the human rights concerns of women are given the attention and consideration which they deserve. Special mention should be made here of the United Nations Decade for Human Rights Education and the International Decade of the World's Indigenous People.

D. Centre-wide coordination

64. It is recognized that implementation of many of the recommendations contained in this report have implications for the focal point for the human rights of women, which has been established within the Centre for Human Rights. Without coordination from this office, it is unlikely that the necessary institutionalization of reform efforts aimed at incorporation of a gender perspective will be successful.

65. It is therefore recommended:

(a) That the visible and substantive role of the focal point be enhanced, through assignment to it of responsibility for coordination, follow-up and (where appropriate) implementation of the recommendations made above;

(b) That a liaison officer be appointed from within each branch of the Centre. Each officer will be responsible for maintaining ongoing contact with the focal point and for reporting periodically on progress in implementing recommendations relevant to the activities of that branch;

(c) That the focal point should receive the necessary resources and support to enable the development of an information system on the human rights of women which is accessible to all staff of the Centre for Human Rights,

as well as all experts, rapporteurs, members of working groups, etc. This system should include an up-to-date roster of external information points and organizations, as well as United Nations documents and materials relating to the human rights of women.

E. System-wide coordination

66. As recognized in the introduction to this section, the concerns of women extend far beyond the formal human rights system to embrace all parts of the United Nations. Despite the fact that the above recommendations are narrowly focused, it is nevertheless essential that a gender perspective on human rights be developed in the context of all relevant programmes and projects, from the training of peace-keepers and field monitors (Department of Peace-Keeping Operations), to the elaboration of structural adjustment policies (IMF, World Bank) to the provision of reproductive health services (UNFPA), to the coordination of humanitarian assistance (Department of Humanitarian Affairs), to the coordination of labour issues (ILO), development issues (UNDP) and education (UNESCO). The Centre for Human Rights should, therefore, be involved in collaborative efforts to mainstream women's human rights with the women-specific bodies of the United Nations system - the Commission on the Status of Women, the Division for the Advancement of Women, CEDAW, UNIFEM and the International Research and Training Institute for the Advancement of Women (INSTRAW).

67. In acknowledgement of the responsibilities of the Office of the High Commissioner for Human Rights with regard to all United Nations human rights activities, the group of experts calls upon this office to continue its work in promoting system-wide coordination and collaboration in relation to the human rights of women. The Administrative Committee on Coordination may be one useful forum for such efforts to incorporate the social, economic and cultural rights of women in a comprehensive, coordinated manner in all United Nations programmes and activities.

V. SUMMARY OF RECOMMENDATIONS

68. The present report is being submitted to the High Commissioner for Human Rights with the request that he recommend it to the Commission on Human Rights and all human rights bodies and mechanisms within the United Nations system, as well as to the Commission on the Status of Women, for implementation and action.

69. It is hoped that these bodies will consider and take steps appropriate to their mandates to implement the recommendations contained in this report. In particular, the Centre and the independent expert bodies and mechanisms are invited to use the report in reviewing and revising their own methodologies, guidelines and methods of work to make them more gender sensitive and to take greater account of the human rights of women. It is expected that additional consultations will be required to assist in and guide this process.

70. It is further proposed that this report be used as the basis for briefing sessions with the chairpersons and members of the treaty-monitoring bodies, special rapporteurs, members of working groups, representatives of the Secretary-General, officers of the Centre for Human Rights and others involved in carrying out the human rights work of the United Nations system.

71. Specifically, the following recommendations are made for immediate action.

1. The language used in the formulation of new human rights instruments and standards and in existing standards should be gender inclusive. The Centre for Human Rights should establish a guideline on gender inclusivity, in all the official languages of the United Nations for use in the preparation of all of its communications, reports and publications. The Commission on Human Rights, its Sub-Commission and the various human rights mechanisms referred to above should also strive to ensure that the language used in reports and resolutions is gender inclusive.

2. All entities charged with the protection and promotion of human rights, including United Nations human rights bodies, Governments and other international institutions, should identify, collect and use gender-disaggregated data in their communications and apply gender analysis to monitoring and reporting.

3. Because effective integration of women's human rights within the United Nations requires creative and comprehensive gender analysis of information as well as a gender-sensitive interpretation of all human rights mechanisms, all bodies are called upon to revise their working methods to incorporate such an approach.

4. An evaluation of all information and training materials published by the Centre for Human Rights should be undertaken from a gender-sensitive perspective and revisions made where necessary.

The Fact Sheet series, the Professional Training series and the Manual on Human Rights Reporting should be considered priorities for such review. Consideration should be given to the development of information materials on gender perspectives and on strategies for ensuring the integration of the human rights of women into United Nations system-wide activities and programmes.

5. The importance of education cannot be overemphasized. In relation to the United Nations Decade for Human Rights Education, steps should be taken to ensure that all Decade-related activities are gender sensitive; there must also be special attention paid to women's human rights and to teaching women about their human rights.

6. The Centre for Human Rights should provide more accessible information about current activities such as on-site field visits, treaty reporting schedules, etc. so that all NGOs, and especially women's NGOs, can provide greater input and become more involved in the human rights work of the United Nations. More aggressive steps to disseminate this information could include media outreach, when appropriate to the mandate of the activity, using such means as radio, popular newspapers, etc.

7. All management officials and staff members of the Centre for Human Rights and other personnel involved in United Nations human rights activities should receive training in recognition of the human rights of women and in the application of gender-sensitive perspectives to the promotion and protection of the human rights of women.

8. There should be more Centre-wide coordination of work on women's human rights. A liaison officer should be appointed from within each branch of the Centre who will be responsible for overseeing gender integration work within that branch and for monitoring integration of recommendations, reporting and maintaining contact with the focal point on the human rights of women and with the other branches.

9. The High Commissioner for Human Rights should promote system-wide coordination and collaboration on the human rights of women within the United Nations. This includes promoting a gender perspective on the human rights aspects of, inter alia, peace-keeping and monitoring the Department of Peace-Keeping Operations, humanitarian assistance (the Department of Humanitarian Affairs), refugees (UNHCR), development (UNDP), economic policy and planning (IMF, World Bank), reproductive health services (UNFPA), labour (ILO) and education (UNESCO).

10. The Centre for Human Rights should cooperate and collaborate in efforts to mainstream women's human rights with the women-specific bodies of the United Nations system: the Commission on the Status of Women, the Division for the Advancement of Women, CEDAW, UNIFEM, INSTRAW.

11. United Nations bodies and States parties must take steps to ensure equal representation of women and men, as well as gender-trained individuals, on the committees of experts that monitor the implementation of treaties, as well as among the independent experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

12. The Centre for Human Rights should give consideration to long-term, ongoing ways and means to produce and review information on women and actions to protect women's human rights.

13. A meeting should be convened within 18 months to evaluate how this work is progressing.

Notes

1/ For example, The World's Women - Trends and Statistics (1995), the various micro-studies prepared by the Division for the Advancement of Women, as well as the country reports prepared as part of the periodic review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women.

2/ Such as through good offices and urgent action procedures, including those established by the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, the Special Rapporteur on religious intolerance, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on Enforced or Involuntary Disappearances.

3/ Guidelines for the Integration of Gender Issues into the Design, Monitoring and Evaluation of ILO Programmes and Projects, Evaluation Unit, ILO, January 1995.

4/ Guidelines on the Protection of Refugee Women, prepared by the Office of the United Nations High Commissioner for Refugees, Geneva, July 1991.

Appendix

LIST OF PARTICIPANTS

Experts

Ms. S. Abeyesekera	Information Monitor Colombo, Sri Lanka
Ms. Charlotte Bunch	Director, The Center for Women's Global Leadership Rutgers University New Brunswick, New Jersey
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Ms. Virginia Dandan	Member, Committee on Economic, Social and Cultural Rights
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Mr. Cees Flinterman	Professor, Faculty of Law University of Limburg Maastricht The Netherlands
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Ms. E. Garcia-Prince	Member, Committee on the Elimination of Discrimination against Women c/o UNDP Managua, Nicaragua
Ms. Mel James	Adviser on International Relations Amnesty International London, United Kingdom
Ms. Alice Miller	Women in the Law Project International Human Rights Law Project

Ms. Marilia Sardenberg	Vice-Chairperson Committee on the Rights of the Child
Ms. Zoe Tembo	Acting Director African Centre for Democracy and Human Rights Banjul, The Gambia
Ms. Line Vreven	Expert Human Rights of Women Ministry for Foreign Affairs Belgium

United Nations organs

Department for Humanitarian Affairs	Ms. A. Dawson-Shepherd
Division for the Advancement of Women	Ms. Philomena Kintu
International Research and Training Institute for the Advancement of Women	Ms. M. Dueñas-Loza
United Nations Children's Fund	Ms. Bilge Ogun Bassani Ms. Maria Rosa Gianniti
United Nations Development Fund for Women	Ms. Roxanna Carrillo Ms. Ilana Landsberg-Lewis
United Nations Population Fund	Ms. Ana Angarita
Office of the United Nations High Commissioner for Refugees	Ms. Ann Howarth-Wiles Ms. Karin Landgren Ms. Julie Bissland

Specialized agencies

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Non-governmental Organizations

Category I

International Alliance of Women	Ms. Alice Marangopoulos Ms. Irmgard Rimondini
International Federation of Red Cross and Red Crescent Societies	Ms. Joanna MacLean
Inter-Parliamentary Union	Ms. Christine Pintat

Category II

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Baha'i International Community	Ms. Diane Ala'i Mr. Giovanni Ballerio Mrs. Machid Fatio
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International Centre for Human Rights and Democratic Development	Ms. Ariane Brunet
International Commission of Jurists	Ms. Tokunbo Ige
International Federation of University Women	Ms. Dorothy Davies Ms. Conchita Poncini Ms. M. E. Fuster
Women's International League for Peace and Freedom	Ms. Edith Ballantyne Ms. Barbara Lochbihler

Roster

European Union of Women	Ms. Angela Guillaume
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Other organizations

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